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Fresno, California

November 14, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:50 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager  
Dan Fitzpatrick, Agency Executive Director  
Jesse Avila, Assistant City Attorney  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF OCTOBER 24, 2000**

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the Agency minutes of October 24<sup>th</sup> approved as submitted.

**(“A”) COUNCIL/AGENCY CONSIDERATION OF RELOCATION PLAN FOR PHASE II OF THE REGIONAL MEDICAL CENTER**

**1. JOINT RESOLUTION NO. 2000-324/1573 - APPROVING THE RELOCATION PLAN FOR PHASE II OF THE REGIONAL MEDICAL CENTER PROJECT IN THE JEFFERSON REDEVELOPMENT AREA**

A motion and second was made to approve staff's recommendation. Redevelopment Administrator Murphey and CHCC General Counsel Ward responded to questions of Councilmembers Mathys and Perea relative to the number of acquisitions, if eminent domain would be utilized, property purchase prices, HCDC's concern with moving forward without having a timeline for phase two, holding off on approval of the relocation plan until a timeline is in place, and when the timeline would be complete. Councilmembers Mathys and Ronquillo spoke in support of the project and moving forward to acquire the real estate and thanked staff and Community Hospital for all their work.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Joint Resolution No. 2000-324/1573 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	None
Abstain	:	Steitz

**(“B”)** RECOMMEND APPROVAL OF ASSIGNMENT OF THE CITY’S TRUST DEED INTEREST IN THE LINCOLN HEIGHTS AFFORDABLE HOUSING PROJECT TO THE NATIONAL FARM WORKERS SERVICE CENTER, INC., SUBJECT TO CERTAIN CONDITIONS BEING MET; RECOMMEND THE CITY MANAGER BE AUTHORIZED TO EXECUTE ANY AND ALL DOCUMENTS AND INSTRUMENTS ATTESTING TO AND/OR EFFECTUATING SUCH AN ASSIGNMENT (COUNCIL ACTION)

HNR Manager Bowness reviewed the staff report as submitted and recommended Council approve the assignment of the City’s trust deed interests. Councilmember Ronquillo spoke in support of the issue stating this would be a great partnership and opportunity to fill a housing need and made a motion to approve staff’s recommendation.

Thomas Mitre, IT Corporation, representing the co-developer for the project, spoke in support of staff’s recommendation and advised members of the National Farm Workers Service Center were present to answer any questions.

Ms. Bowness, Agency Director Fitzpatrick, Assistant City Attorney Avila, Mr. Mitre, Mr. Coyle and Mr. Barrios responded to Council questions relative to whether the City had lost money on the property, balance of the trust deed, how the taxpayers would be protected, purpose of the assignment, recourse if the project were not built and if there would be reversionary clauses in the agreement, timeframe for the project, pay down for each home built, number of units being built, the proposed housing’s compatibility with existing area housing, exterior materials that would be used, and if the project would include apartments.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the assignment of th City’s trust deed interests in the Lincoln Heights affordable housing property to the National Farm Workers Service Center, Inc., hereby approved subject to certain conditions being met, and the City Manager authorized to execute any and all documents and instruments attesting to and/or effectuating such an assignment, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

Through an interpreter, Mauricio Dominguez Santos thanked Council on behalf of all the families who work in agriculture that would be purchasing the homes, with Councilmembers Mathys and Ronquillo responding in Spanish.

**(“C”)** AWARD A CONTRACT FOR ASBESTOS REMOVAL AND BUILDING DEMOTION AT 310 S. WEST AVENUE (AGENCY ACTION)

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, a contract for asbestos removal and building demolition at 310 S. West Avenue hereby awarded to Nick’s Trucking, Inc., in the amount of \$5,950, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : None

Councilmember Ronquillo briefly left the meeting at 9:25 a.m.

**(“D”) CONSIDER APPROVAL OF A “LEASE AGREEMENT WIT THE RIGHT TO ACQUIRE” BETWEEN THE AGENCY (AS LANDLORD) AND THE CITY (AS TENANT) FOR THE POLICE SUBSTATION FACILITY AT THE KEARNEY PALMS SHOPPING CENTER**

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the “Lease Agreement with the Right to Acquire” hereby approved, and the Executive Director and City Manager, or their respective designees, authorized to sign all documents necessary to carry out the Lease and related documents, including without limitation the Memorandum of Lease, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian  
Noes : None  
Absent : Ronquillo

**(“E”) REPORT AND RECEIVE DIRECTION ON ISSUES RELATED TO PARKING AND INGRESS/EGRESS TO DOWNTOWN IN SUPPORT OF THE STADIUM - COUNCILMEMBER PEREA**

Councilmember Perea gave a brief overview of the issue stating the City needed to create a pleasant experience for people who would be coming downtown. Agency Director Fitzpatrick reviewed his staff report as submitted containing potential parking opportunities and street improvements needed to support the stadium development.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Agency and City staff directed to estimate the costs of the proposed improvements, identify funding sources and recommended project prioritization over the next two fiscal years, and Agency staff directed to return on December 5<sup>th</sup> with a status update and preliminary work program, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : Mathys  
Absent : None

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The joint bodies adjourned at 9:35 a.m. and the City Council convened in regular session.

Pastor Jim McAlister, Harmony Free Will Baptist Church, gave the invocation, and **(2 - 0)** Councilmember Mathys led the Pledge of Allegiance to the Flag.

**PROCLAMATION OF “NATIONAL DIABETES AWARENESS MONTH” - COUNCILMEMBER PEREA**

**PROCLAMATION OF “FAMILY CAREGIVER’S MONTH”**

RESOLUTIONS OF COMMENDATION TO ROBERT SMITTCAMP AND DERREL RIDENOUR

PROCLAMATION OF "SAMARITAN WOMEN WEEK"

PROCLAMATION OF "TEAGUE SCHOOL LIBRARY MEDIA PROGRAM DAY" - COUNCILMEMBER MATHYS

(ADD ON) PROCLAMATION OF "ESCROW MONTH" - COUNCILMEMBER STEITZ

The above proclamations and resolutions were read and presented.

BIRTHDAY WISHES TO COUNCIL PRESIDENT BOYAJIAN AND PRESENTATION BY THE GREATER TOWER ASSOCIATION

Presentation made.

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**APPROVE MINUTES OF OCTOBER 31, 2000:**

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, the minutes of October 31<sup>st</sup> approved as submitted.

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**APPROVE AGENDA:**

**(10:45 A.M.) COUNCIL DIRECTION TO STAFF REGARDING BROWNING FERRIS INDUSTRIES (BFI) SOLID WASTE SERVICE IN CALWA - COUNCILMEMBER QUINTERO**

Continued to November 28, 2000, at 11:00 a.m. at the direction of Councilmember Quintero.

DIRECT STAFF TO REQUEST FRESNO COUNTY THIS DATE TO: (1) REMOVE AN ITEM FROM THEIR AGENDA SCHEDULED THIS DATE RELATIVE TO CLOVIS' GENERAL PLAN AND (2) RETURN TO THE TABLE FOR DISCUSSIONS WITH THE CITY - COUNCILMEMBER PEREA

Request made and Development Director Yovino and City Attorney Montoy responded briefly to questions relative to the tax sharing agreement and MOU.

DIRECT STAFF TO RETURN WITH A RESOLUTION ON NOVEMBER 28<sup>TH</sup> SUPPORTING THE FRESNO UNIFIED SCHOOL DISTRICT BOND MEASURE IN MARCH - COUNCILMEMBER PEREA

Direction made.

DIRECT STAFF TO SCHEDULE ON NOVEMBER 28<sup>TH</sup> THE ISSUE OF TERMINATING THE MOU WITH FRESNO COUNTY BASED ON NON-COMPLIANCE - COUNCILMEMBER STEITZ

Direction made. Councilmembers Ronquillo and Bredefeld left the meeting at 10:19 a.m.

**(5:00 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-00-07 AND REZONING APPLICATION NO. R-00-13, FILED BY HALFERTY DEVELOPMENT, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. BRAWLEY AND W. HERNDON AVENUES**

Upon question of President Boyajian, City Attorney Montoy advised public testimony had already been given, confirmed the public hearing had been officially closed and was continued to this date consider the market study, and noting they did not have to, stated it was up to Council to decide whether or not to allow further public input.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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Acting President Bredefeld returned to the meeting at 10:23 a.m.

**ADOPT CONSENT CALENDAR:**

**(1A-1) AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC. IN THE AMOUNT OF \$94,500 FOR NEW ACCESS STRUCTURES, WASTEWATER COLLECTION SYSTEM, BULLARD, MCKINLEY AND TUOLUMNE AVENUES**

**(1A-2) AWARD A CONTRACT TO CLAWSON MOTORSPORTS IN THE AMOUNT OF \$105,534.11 FOR TEN POLICE MOTORCYCLES**

**(1A-3) RESCIND THE AWARD OF THE CONTRACT TO CENTRAL VALLEY KENWORTH AND WITHHOLD THEIR BID BOND; AND AWARD A CONTRACT TO FRESNO TRUCK CENTER IN THE AMOUNT OF \$308,207.50 FOR THE PURCHASE OF THREE NEW CLASS-8 DUMP TRUCKS**

**(1A-4) \* RESOLUTION NO. 2000-325 - 6<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$166,300 FOR SHIELDS AVENUE MEDIAN ISLAND LANDSCAPING PROJECT**

**1. AWARD A CONTRACT TO SANCHEZ GRADING IN THE AMOUNT OF \$168,400 TO INSTALL LANDSCAPE IMPROVEMENTS IN THE SHIELDS AVENUE MEDIAN ISLANDS FROM CEDAR TO CHESTNUT AVENUES**

**(1A-5) AWARD A CONTRACT TO NOVA ELECTRIC, INC. IN THE AMOUNT OF \$285,000 FOR THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRFIELD LIGHTING REMOTE CONTROL SYSTEM**

**(1A-6) \* RESOLUTION NO. 2000-326 - 58<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING CONTINGENCY FUNDS TO BE USED TO PAY FOR COSTS RELATED TO ANTI-DISCRIMINATION AND ANTI-HARASSMENT TRAINING SESSIONS**

**(1A-7) APPROVE THE SALE OF THE SURPLUS WELL SITE NEAR W. SAMPLE AND N. COLONIAL AVENUES FOR THE PRICE OF \$400, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO DISPOSE OF THE PROPERTY**

**(1A-9) APPROVE AMENDMENT TO THE AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR THE DESIGN OF THE FRESNO SANITARY LANDFILL REGIONAL PARK/SPORTS COMPLEX, AND AUTHORIZE THE PURCHASE MANAGER TO SIGN THE AMENDMENT TO THE AGREEMENT ON BEHALF OF THE CITY**

**(1A-10) APPROVE AMENDMENT TO THE AGREEMENT WITH CAMP, DRESSER & MCKEE, INC., IN THE AMOUNT OF \$103,451 FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE FRESNO SANITARY LANDFILL SUPERFUND SITE, AND AUTHORIZE THE PURCHASING MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY**

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

**(1A-8) RESOLUTION NO. 2000-327 - INTENT TO ANNEX TRACT NO. 4974 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 25, AND SETTING THE PUBLIC HEARING FOR DECEMBER 19, 2000**

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled Resolution No. 2000-327 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	Mathys
Absent	:	Ronquillo

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**(3A) RECONSIDERATION OF RESOLUTION APPROPRIATING FUNDS RELATIVE TO THE COMMUNICATIONS SERVICES CONTRACT WITH PACIFIC BELL**

**1. \* RESOLUTION NO. 2000-328 - 63<sup>RD</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$112,100 TO PAY FOR INSTALLATION COSTS (\$99,1000) AND SERVICE CHARGES (TOTALING \$13,000) RELATED TO THE COMMUNICATIONS SERVICES CONTRACT WITH PACIFIC BELL**

A motion and second was made to adopt the resolution. Councilmember Steitz spoke in opposition stating paying \$2,000 a month more to go with Pac Bell was a waste of taxpayer money.

Speaking to the issue were: Barbara Hunt, 944 “F” Street; and **(3 - 0)** Jeff Mabee, MCI Worldcom, who clarified issues relative to services proposed and the process they had been involved in, all contained in a letter submitted and on file in the office of the City Clerk.

Upon question of President Boyajian, City Attorney Montoy stated the dual relationship with MCI would be very limited.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-328 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Boyajian
Noes	:	Steitz
Absent	:	Ronquillo

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**(9:45 A.M.) APPEARANCE BY JAY JOHNSON TO DISCUSS THE CONSTRUCTION OF SOCCER FIELDS AT WEST AND NORTH AVENUES**

Appearance made with Mr. Johnson expressing his concern with learning that soccer fields were now not going to be constructed at the West/North project and with the lack of soccer fields in Fresno. Barbara Hunt, 944 "F" Street, spoke in support of additional fields, and President Boyajian responded briefly to efforts he has made in his district and to Mr. Johnson's comments. There was no further discussion.

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**(9:50 A.M.) APPEARANCE BY THE HMONG AMERICAN REPUBLIC NATIONAL REFORM UNION, INC., TO DISCUSS THEIR PARTICIPATION IN THE COMMUNITY AND THE STATE**

Appearance made by John Childers on behalf of Handy Vang, Founder, CEO and President of the HARNRU, who also requested assistance from the City. Councilmember Quintero advised of the City's social service funding and process and invited Mr. Vang to participate in that process.

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**(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-00-013 AND RELATED ENVIRONMENTAL ASSESSMENT FILED BY SCOTT ELLIS, JR., ELLIS ENTERPRISES, TO AMEND PLAN POLICY NO. 1-4.3-f RELATIVE TO OFFICE COMMERCIAL LAND USE CREATING AN EXCEPTION TO THE 20-FOOT MAXIMUM HEIGHT LIMIT FOR AN OFFICE BUILDING, PROPERTY LOCATED AT THE NORTHWEST CORNER OF N. CEDAR AND E. ALLUVIAL AVENUES**

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-00-013**
- 2. RESOLUTION NO. 2000-329 - AMENDING THE WOODWARD PARK COMMUNITY PLAN**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Johnson briefly reviewed the staff report as submitted. A motion and second was made to approve staff's recommendation, and Mr. Ellis, Applicant, responded to questions of Councilmember Mathys relative to the project plans. Councilmember Ronquillo returned to the meeting at 10:46 a.m.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-00-013 dated October 6, 2000, hereby approved; and the above entitled Resolution No. 2000-329 approving the plan amendment by creating an exception to the maximum 20-foot height limit in order to allow a 28-foot 4-inch high single-story office building at 7525 N. Cedar hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-030 AND ENVIRONMENTAL FINDINGS FILED BY TREND HOMES, INC., FOR DEVELOPMENT OF PROPERTY LOCATED ON THE SOUTH SIDE OF W. MCKINLEY BETWEEN N. CORNELIA AND N. BLYTHE AVENUES - VTT 4974**

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. T-4974, R-00-30, DATED SEPTEMBER 27, 2000**

**2. BILL NO. B-73 - ORDINANCE NO. 2000-75 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM (AS AMENDED TO R-1/UGM-cz)**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez reviewed the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Planning Manager Beach responded to questions of Councilmembers Mathys and Perea relative to the subdivision, if street improvements were planned to mitigate area traffic, if signals or stop signs would be installed, and if the densities were consistent with the new general plan.

Councilmember Ronquillo stated for the record the West Area Policies would apply as a condition of the rezoning, which was accepted by the motion-maker.

Mr. Beach, City Engineer Salazar and Interim City Manager Souza clarified issues and responded to questions and concerns of President Boyajian relative to status of signals promised at Ashlan and Cornelia, timeframe for signals at Ashlan and Blythe and if stop signs would be installed there, need for infrastructure prior to development, working jointly with Fresno County for needed signals in the Clinton and McKinley areas, and concerns with continued growth in the area without infrastructure.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. T-4974, T-00-030 hereby approved; and the above entitled Bill No. B-73 adopted as Ordinance No. 2000-75, *as amended for R-1/UGM/cz zoning which would include the West Area Policies*, to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4964/UGM is recorded, by the following vote:



Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : Boyajian  
Absent : None

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**(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-00-28 AND ENVIRONMENTAL FINDINGS, FILED BY JIM LOGAN, TO REZONE A PARCEL OF LAND LOCATED ON THE NORTHEAST CORNER OF N. BLACKSTONE AND E. CORNELL AVENUES**

**1. CONSIDER ENVIRONMENTAL ASSESSMENT NO. R-00-28/CATEGORICAL EXEMPTION**

**2. BULL NO. B-74 - ORDINANCE NO. 2000-76 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-6/CZ TO C-6/CZ**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Koo reviewed the staff report as submitted and a motion was made to approve staff's recommendation.

Planning Manager Beach responded to questions and concerns of Councilmember Perea relative to the former Long John Silver's site now being used as a car lot, how the car lot use was approved, if the applicant fulfilled all requirements to operate as a car lot, concern with the subject car lot expanding with approval of the rezone, current parking requirements, current lack of parking, **(4 - 0)** and concerns with future uses on the site.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; and Jim Logan, representing the applicant, who advised only customer parking would be allowed.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Mr. Beach responded to questions of Councilmember Quintero relative to number of existing car lots between Clinton and Shields Avenues, and what other uses would be allowed with the rezoning. Acknowledging the applicant's investment, Councilmember Mathys noted Council was always talking about the need to invest in the inner city and reiterated his motion to approve the rezone, which motion was seconded and acted upon after brief discussion. Mr. Jackson, the applicant, responded to questions of President Boyajian relative to the used car lot's effect on the surrounding neighborhoods, hours of operation, and security measures.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled Bill No. B-74 reclassifying the subject property subject to conditions specified in the staff report as recommended by staff and the applicant, hereby adopted as Ordinance No. 2000-76, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian  
Noes : Perea  
Absent : None

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**(11:00 A.M.) PRESENTATION BY THE BOARD PRESIDENT OF THE FRESNO REGIONAL FOUNDATION REGARDING THEIR ORGANIZATION RELATING TO GRANTS AND WORKING WITH NON-PROFIT AGENCIES - PRESIDENT BOYAJIAN**

An unidentified representative of the Fresno Regional Foundation (FRF), the Board President, and Janice Mathurin, Nonprofit Advancement Center Training Director, gave an overview of the organization, goal, number and amounts of grants given out, and what the Advancement Center provided. Brief discussion ensued on the application process and donations, and Council commended the FRF for all they did and for their contributions to nonprofit organizations in the community.

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**(11:15 A.M.) SUSPEND ENFORCEMENT OF THE SIGN ORDINANCE PENDING DEVELOPMENT OF A CITY-WIDE PLAN FOR EQUAL ENFORCEMENT AND REVIEW OF MODIFICATIONS OF THE SIGN ORDINANCE - COUNCILMEMBER PEREA**

Councilmember Perea reviewed the issue, acknowledged there were problems, emphasized Council had been very proactive in creating ordinances to address the issue, and stated he was disappointed the Mayor issued an executive order without first consulting with Council. Upon Councilmember Perea's request, City Attorney Montoy gave a synopsis on the Mayor's order, advised the sign ordinance could only be changed by legislative action of Council, stated she needed to meet with the City Manager to work on concerns with the order, and advised of options available for the Mayor and Council as contained in her opinion as submitted. Councilmember Perea concurred the executive order was null and void, commented on past problems and stated he did not feel people wanted the current codes repealed but were now finding out some changes were needed, stressed businesses needed to be treated fairly in enforcement and explained existing ordinance needed to be modified, and recommended a meeting be scheduled as quickly as possible to fine-tune those sections of the sign ordinance affecting businesses and advertising that was being displayed, and added enforcement should not be halted but instead staff should go back to the education process for the next 30 days until resolution is reached on needed changes.

Speaking in support of the Mayor's order, and/or expressing concerns with the sign ordinance, and/or to the issue of selective enforcement were: Roger Hanke, 4736 E. Belmont, who displayed photographs of various businesses with illegal advertising; Cliff Unruh, on behalf of the Chamber of Commerce; Mike Porter, Superior Auto Sales, 703 N. Abby (**5 - 0**); Ron Fena, Valley Auto Sales/Leasing, 276 N. Abby; Dan Ramirez, 4488 N. Blackstone; Leann Bell, C & E Auto Repair, 2409 N. Fresno Street; Benjamin Raya, 1540 N. Blackstone; Barbara Hunt, 944 "F" Street; Leo Avedikian, Blue Ribbon Car Wash, 3854 N. Blackstone; and Steve Lipari, owner of Livingstone's Restaurant and Starline, 833 E. Fern.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the issue.

HNR Director Quiring, Housing Program Supervisor Robertson, and Mr. Unruh responded to questions of Acting President Bredefeld to staff's response to a moratorium and allegations of selective enforcement, if "bigger" businesses such as Wendy's had ever been cited, if the Mayor dialoged with the City Attorney or Council President prior to issuing his executive order, and if the Chamber of Commerce directly requested the Mayor call for a moratorium. Acting President Bredefeld stressed he would not support a moratorium or reducing the efforts made in code enforcement, concurred the appropriate way to deal with the issue was through legislative action by Council, and recommended a 3-member Council subcommittee be established to meet with appropriate staff and business representatives and return with appropriate modifications to the sign ordinance.

Mr. Robertson and Ms. Montoy responded to questions of Councilmember Mathys relative to Council authority to bring back a moratorium ordinance and which basic or core code sections of the sign ordinance were at issue. Councilmember Mathys stressed businesses could not survive without sign advertising and made a motion to direct staff to determine which sections were at issue and return with an ordinance repealing those sections, and to suspend enforcement for 60 days at least, which motion was subsequently changed to return with an ordinance in 60 days repealing Section 13-911 in its entirety. Ms. Montoy and Mr. Robertson advised there would be a lot of other issues within that section that should not be repealed, whereupon Councilmember Steitz seconded the motion with the amendment that he would present a list of sections to be repealed.

A motion of Councilmember Mathys, seconded by Councilmember Steitz, to direct staff to return with an ordinance repealing Section 13-911 and other sections to be designated by Councilmember Steitz failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Absent	:	None

Brief discussion ensued on blight and those businesses knowingly contributing to blight, allowing banners, balloons, etc. on weekends only, **(6 - 0)** and on the need to form a committee to fine-tune the ordinance, whereupon a motion and second was made to designate a three-member Council subcommittee to meet with appropriate staff and business representatives next week and return with modifications to the sign ordinance in 30 days.

Councilmember Quintero stated everyone needed to be on a level playing field, advised how the matter was successfully dealt with in his district, and commented on illegal advertising and ADA requirements, existing process in place, and problems encountered by independent owners with the larger businesses. Councilmember Ronquillo left the meeting at 12:55 p.m.

Interim City Manager Souza clarified how the Mayor's executive order came about, its intent, and how the Mayor wanted a task force to deal with the issue. Brief discussion ensued on enforcement being suspended based on the order and on code enforcement staff learning this date the order was unenforceable. Councilmember Steitz left the meeting at 1:07 p.m. President Boyajian commented on the issue stating businesses should not contribute to blight no matter where they were located, stressed enforcement should occur right down the board, and stated he did not appreciate the grandstanding and micro-managing of staff that took place.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, (1) a committee consisting of President Boyajian, Councilmembers Quintero and Perea, City Attorney, Code Enforcement and Development staff, and business representatives hereby established to meet next week to modify and/or fine-tune the existing sign ordinance and return with any modifications and/or recommendations in 30 days for action, and (2) staff requested to switch to a training mode from the enforcement mode for the next 30 days, by the following vote:

Ayes	:	Bredefeld, Mathys Perea, Quintero, Boyajian
Noes	:	None
Absent	:	Ronquillo, Steitz

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**LUNCH RECESS - 1:10 P.M. - 2:52 P.M.** Acting President Bredefeld and Councilmembers Ronquillo and Steitz arrived later in the meeting.

**(1A-11) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A CONSULTANT SERVICES AGREEMENT WITH GARTNER GROUP, INC., TO PROVIDE CONSULTING SERVICES RELATIVE TO THE POLICE COMPUTER SYSTEMS**

Chief Winchester and Capt. Rhames responded to questions of Councilmember Perea relative to background of the issue, how much money was allocated to the effort and to whom, what the problems were, how the matter reached the point of having to hire a consultant, if the system had created more of a burden for staff, how problems were being dealt with, how the system was currently working, if there had been any safety problems from a 911 perspective, purpose of a consultant, if Data 911, Inc., or the City oversold the product, if the department's overtime costs had increased due to the problems, what services the consultant would provide, and if staff would be requesting additional money. City Attorney Montoy advised a legal enforceable contract was in place and recommended her office be included to legally protect the City.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the Chief of Police authorized to enter into an agreement with Gartner Group, Inc., in the amount of \$58,533 to provide consulting services regarding the police computer systems, and in addition, the City Attorney's Office to be included in discussions/meetings with the Police Department and consultant, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo, Steitz

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Visiting history class students of Roosevelt High School were recognized and welcomed.

**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 (COUNCILMEMBER QUINTERO): CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA; EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE NON-MANAGEMENT (IAFF); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)**

**(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:**

1. CLAIM OF MERON SHITA
2. CLAIM OF BARKET SHITA
3. CLAIM OF YORDANOS SHITA
4. CLAIM OF BANCHAMLAK SHITA
5. CLAIM OF MARIE TEDLA
6. CLAIM OF ALEMENEW WOBETIE
7. CLAIM OF LAKACHEW LEYEW

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. ANDREA M. NEVILLE V. COF, ET AL
2. VIGO UNGARO V. COF, SUP. CT. NO. 652965-5
3. CARA TKAGUT V. COF, FRESNO POLICE DEPARTMENT AND MARK A. MORAN

The City Council met in closed session in Room 2125 at the hour of 3:10 p.m. to consider the above issues and reconvened in regular open session at 4:16 p.m. Councilmember Steitz arrived.

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME:

4. SOLPAC, INC. DBA SOLTEK PACIFIC V. COF, ET AL, MAULDIN DORFMEIER CONSTRUCTION, INC. (REAL PROPERTY IN INTEREST)

Laid over two weeks.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of **Item B 1-7**, Claims of Shita, Tedla, Wobetie and Leyew, the Council voted 4-3 in closed session to deny the claims with Councilmembers Bredefeld, Ronquillo and Steitz absent.

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(5A) REPORT AND UPDATE FROM THE DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT AND CITY ATTORNEY CONCERNING PAY PHONES BEING INSTALLED WITHOUT PERMITS - COUNCILMEMBER QUINTERO

Resolved administratively.

- - - -

(5B) DIRECT STAFF TO DEVELOP CRITERIA FOR APPROPRIATE LAND USE AROUND PARKS AND SCHOOLS - COUNCILMEMBER PEREA

Briefly reviewed by Councilmember Perea who stated he was hearing concerns relative to selling alcohol near parks and schools and noted it was currently being done all over the city, stated if certain uses were not going to be allowed they needed to be consistent, and requested staff develop and return with criteria. Upon question of Councilmember Steitz, Development Director Yovino stated the criteria could be included in the new general plan.

(7 - 0) Brief discussion ensued with City Attorney Montoy and Mr. Yovino responding to questions relative to projects now going through the process and if they would be affected by the new criteria, and issues considered/discussed this date by Fresno County relative to the general plan and tax sharing agreement. Councilmember Ronquillo arrived at 4:23 p.m. Councilmember Perea requested staff meet to determine the City's legal options and send a formal letter to the County inviting them to meet with the Council subcommittee, and Councilmember Steitz directed staff to schedule an item for closed session on November 28<sup>th</sup> to take action against the County relative to the MOU.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, staff directed to develop and report back in 30 days with appropriate land uses around parks and schools and to include the criteria in the upcoming General Plan, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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**(5C) RESOLUTION NO. 2000-330 - ESTABLISHING THE CITY OF VERONA, ITALY, AS A SISTER CITY - COUNCILMEMBER PEREA**

Briefly reviewed by Councilmember Perea who requested Council's support.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-330 hereby adopted, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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**(5D) REQUEST THE CITY MANAGER TO DIRECT STAFF TO INSTALL STOP SIGNS AT VAN NESS/BREMMER AND FULTON/LA SIERRA - COUNCILMEMBER RONQUILLO**

Briefly reviewed by Councilmember Ronquillo who stated the subject areas were close to meeting warrants.

On motion of Councilmember Ronquillo, seconded by President Boyajian, duly carried, RESOLVED, the City Manager requested to direct staff to install stop signs at Van Ness/Bremmer and Fulton/La Sierra Streets, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	Bredefeld

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**(5F) \* RESOLUTION NO. 2000-331 - 69<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$3,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND \$2,000 FOR THE EAST FRESNO BOYS AND GIRLS CLUB AND \$1000 FOR THE SOUTHEAST FRESNO TOY DRIVE - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-331 hereby adopted, by the following vote:

Ayes : Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : Bredefeld

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**(5G) \* RESOLUTION NO. 2000-332 - 70<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$500 OF DISTRICT 3'S AND \$500 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE ANNUAL HOLIDAY CONCERT AND ILLUMINATION CEREMONY OF THE TRINITY ARMENIAN APOSTOLIC CHURCH - COUNCILMEMBERS RONQUILLO AND RONQUILLO**

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-332 hereby adopted, by the following vote:

Ayes : Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : Bredefeld

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**(5E) REQUEST CITY MANAGER TO PROVIDE A REPORT ON CURRENT REVENUE RECEIVED BY FRESNO COUNTY FROM CITY ENFORCEMENT OF TRAFFIC VIOLATIONS - PRESIDENT BOYAJIAN**

Briefly reviewed by President Boyajian who stated speeding was a real problem in the city, noted all revenues collected on citations went to the county, and questioned if there was anything the City could do to receive or share in those revenues. City Attorney Montoy advised she would provide a report on revenues collected for Council's information and that an action item could be placed on a future agenda. Councilmember Ronquillo stated the City did have the option of receiving revenues and he would discuss the matter with state legislators, and Councilmember Steitz requested the report include the steps the City needed to take to receive those revenues. President Boyajian stated his intent was to alleviate the speeding problem and at the same time receive additional revenues.

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager requested to provide a report on current revenue received by Fresno County from city enforcement of traffic violations, by the following vote:

Ayes : Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : Bredefeld

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**(4:00 P.M.) RESOLUTION NO. 2000-333 - OPPOSING THE WESTLANDS WATER RIGHTS FILING - COUNCILMEMBER PEREA**

**1. COUNCIL COMMITMENT TO ASSIST IN RESOLVING WATER SUPPLY PROBLEMS**

Reviewed by Councilmember Perea who stated even though he sympathized with Westlands, their action, if approved, would simply transfer water shortages from the west side of the valley to the east side, requested Council

take a position of not supporting Westlands' action and at the same time offer the City's services to bring federal and/or state agencies together to help both parties resolve the issues they're facing, and made a motion to adopt the resolution which was seconded and later acted upon.

Speaking in support of the resolution were: Mario Santoyo, Friant Water Users Authority (FWUA), 854 N. Harvard, Lindsay, CA; John Roldan, Civil Engineer, FWUA; Jim Chandler, Orange Cove Irrigation District, P.O. Box 388, Orange Cove; and Jose Ramirez, Orange Cove City Manager, 633 Sixth Street. Acting President Bredefeld arrived at 4:45 p.m.

Mr. Santoyo and Mr. Chandler responded to questions of Councilmember Mathys relative to impact if one-third of the water were lost, how such a loss would impact the city of Fresno, if Westlands was making a "water grab", FWUA's position on Westlands' action, if litigation had been filed, Westlands basis for the filing, who made the final decision on the filing, purpose of the subject resolution, if this matter was similar to the Mono Lake "water grab", the federal government's control of water, how Orange Cover would be impacted, and who was dependent on the FWUA.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-333 hereby adopted, and the City Council commits to assist in resolving the water supply problems, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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Gary Serrato, the new Executive Director of the Fresno Irrigation District was acknowledged and welcomed

#### **RECESS - 4:58 P.M. - 5:18 P.M.**

**(5:00 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-00-07, REZONING APPLICATION NO. R-00-13, AND ENVIRONMENTAL FINDINGS, FILED BY HALFERTY DEVELOPMENT, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. BRAWLEY AND W. HERNDON AVENUES

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-00-07, R-00-13, C-00-108, DATED JULY 19, 2000**

**2. RESOLUTION NO. 2000-334 - AMENDING THE BULLARD COMMUNITY PLAN**

**3. BILL NO. B-75 - ORDINANCE NO. 2000-77 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO C-2/EA/UGM AND R-1-B/UGM**

**4. APPEARANCE BY DAVID E. ROY TO DISCUSS THE REZONING AND EXPRESS CONCERN REGARDING EXCESSIVE COMMERCIAL DEVELOPMENT IN THE AREA**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy clarified extensive testimony had been given at the last hearing and Council was not required to hear additional testimony, and advised the hearing was continued to this date to allow Council and both sides to address the market study that was conducted. Brief discussion ensued on whether or not to allow additional testimony.



**(8 - 0)** Planning Manager Haro advised the market study had concluded there was an unmet demand and that another supermarket in the area could be supported, noted the study also concluded that although there would be some impact on the competitors it would not be a negative impact, gave an overview of the issue using a map to illustrate, and stated staff was still recommending approval of the project and was comfortable with the study conducted by Market Profiles and data they presented.

Bob Reicher, Vice President, Market Profiles, Inc., began an overview of his analysis, criteria and experience in the field, and upon question of President Boyajian and Councilmember Perea stated he was aware of Council's main concerns, addressed all the concerns expressed, and concluded his overview.

Speaking to the issue were: David Roy, opposed to development at the site; Chuck Gibbon, 886 E. El Paso, opposed; Vicky Westburg, 3629 W. Birch, opposed; Elaine O'Mara, 7457 N. Channing, opposed; Helena Grammis, 7347 N. Tamera, opposed; Joni Johnson, representing Bullard Area Homeowners, P.O. Box 5700, support; Jim Halferty, Applicant, support; Kevin Smith, Save Mart Manager at Herndon/Clovis, opposed; Jim Watt, Save Mart, Modesto, who addressed the market study stating Ralph's would have a major impact on competitors and requested Ralph's be built at Herndon and Milburn; James Catalano, Country Boy Market, 7088 N. West, opposed; and Tom Anderson, 8227 N. Fresno St., **(9 - 0)** who also stated there would be a maximum impact on competitors, displaying charts and figures to illustrate.

Mr. Halferty clarified a market study by an independent consultant was conducted as directed by Council, noted a credible study came back and Ralph's competitors did not like the results, and responded additionally to comments made. Mike Noydecker, Ralph's Senior Market Analyst, further responded to and clarified issues from a technical standpoint and stated there would be a lot of new growth in the area to support another market.

Extensive discussion ensued with a Save Mart representative, area resident Mr. Westburg, Mr. Haro, Development Director Yovino, Mr. Catalano, Mr. Halferty and Mr. Reicher responding to questions of Councilmembers Mathys, Quintero, Bredefeld, Ronquillo, Perea and President Boyajian relative to whether the Herndon/Milburn site would be opposed (with Councilmember Mathys stating he would only support the Herndon/Milburn site), if there were currently any plans for housing west of Van Ness and if staff foresaw development occurring in the immediate future, timeline for that future housing construction and number of homes anticipated, if the issue of immediate future housing was considered in staff's recommendation, zoning for the northwest corner and why the market was not being constructed there, plans for the southwest corner, if Save Mart and Country Boy markets were opposed to Ralph's locating at the northwest corner and if they agreed with the conclusion that Ralph's would not impact the other markets, Ralph's reason for not building on the northwest corner, if Ralph's had been asked for political contributions, why the southeast corner was more popular, why the northwest corner was planned for a supermarket if that use would not work there, current zoning for the Herndon/Milburn site and if a supermarket could be constructed there now, plans for the Palm/Herndon area, **(10 - 0)** down-zoning the northwest corner, why a supermarket was being kept in the plan for the northwest corner, rezones in the Bullard Loop area and if fees would be returned if projects were not approved, proposal for Ralph's at Champlain and Perrin and if a market study would be conducted, if staff and the consultant stood by data/numbers in the market study based on Save Mart's testimony this date, why plans for vacant areas were considered rather than the existing uses and traffic, environmental issues with zoning changes, if more commercial development on Herndon would mitigate problems that were being foreseen for the area, and how this project could be rationalized when developers last year were urging Council to stick with designated plans

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-00-07, R-00-13, C-00-108 dated July 19, 2000, hereby approved; the above entitled Resolution No. 2000-334 approving the plan amendment hereby adopted; and the above entitled Bill No. B-75 approving the rezoning hereby adopted as Ordinance No. 2000-77, subject to conditions #1 through #3a-g outlined in the staff report, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys, Boyajian
Absent	:	None

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:25 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 28<sup>th</sup> day of November, 2000.

_____	ATTEST:_____
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk